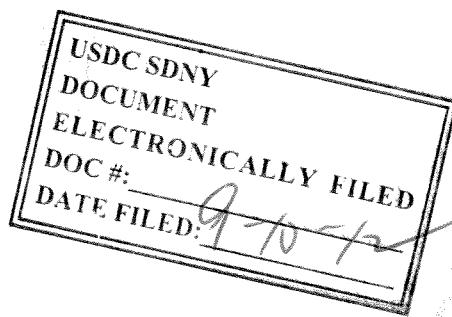


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

FLEET AVIATION, LLC,

Defendant.

12 Civ. 6683 (VLB)

**STIPULATION AND ORDER OF
 SETTLEMENT AND DISMISSAL**

ECF CASE

WHEREAS, Fleet Aviation, LLC (“Fleet Aviation”) is the holder of Air Carrier On Demand Certificate Number Y7EA399L;

WHEREAS, United States of America filed this action (the “Action”) against Fleet Aviation to recover a civil penalty pursuant to 49 U.S.C. §46301(a)(1);

WHEREAS, the complaint in this Action alleges that during the period from October 19, 2008 to September 7, 2009 or thereabouts, Fleet Aviation used a pilot, Stephen A. Cohen, on dozens of Part 135 flights in a Piper PA34220T aircraft, identification number N711WC (hereinafter “the flights”), but that Mr. Cohen had not complied with the requirements contained in 14 C.F.R. § 135.293(a)(2), 14 C.F.R. § 135.293(a)(3), and 14 C.F.R. § 135.293(b), and, accordingly, 14 C.F.R. § 135.95(b);

WHEREAS, the complaint further alleges that, by virtue of 49 U.S.C. § 46301(a)(1), Fleet Aviation is subject to civil penalties for each of the foregoing violations of the Federal Aviation Regulations.

IT IS HEREBY STIPULATED AND AGREED by the undersigned parties, by their respective counsel, that the Action shall be resolved as follows:

1. The Action is dismissed with prejudice, without costs, expenses, or attorneys' fees to either side, pursuant to Federal Rule of Civil Procedure 41(a). ✓

2. Fleet Aviation shall pay the United States a civil penalty of \$40,000.00 (forty-thousand dollars) and agrees to the issuance by FAA of a Finding of Violation against Fleet Aviation in connection in the FAA Docket Nos. 2010EA11016, 2020EA220021, in substantially the form annexed hereto as Exhibit A. FAA will not pursue further enforcement action against Fleet Aviation in connection with FAA Docket Nos. 2010EA11016, 2020EA220021. The civil penalty will be paid as follows: (1) \$4,000 payable before September 30, 2012; and (2) \$1,500 payable each month for 24 months thereafter. The penalty set forth in this paragraph will remain in full force even if Fleet Aviation is sold to a third party. ✓

3. Fleet Aviation acknowledges that during the period from approximately October 19, 2008 to approximately September 7, 2009 or thereabouts, Fleet Aviation used a pilot, Stephen A. Cohen (hereinafter "Mr. Cohen"), on approximately sixty-seven (67) Part 135 flights in a Piper PA34220T aircraft, identification number N711WC (hereinafter "the flights").

4. Fleet Aviation also acknowledges that for each of the flights, Mr. Cohen had not, since the beginning of the 12th calendar month before that flight, passed a written or oral test, given by the Administrator of the Federal Aviation Administration (the "Administrator") or an authorized check pilot, on his knowledge of the aircraft powerplant, major components and

systems, major appliances, performance and operating limitations, standard and emergency operating procedures, and the contents of the Approved Flight Manual or equivalent, with respect to the subject aircraft.

5. Fleet Aviation also acknowledges that for each of the flights, Mr. Cohen had not, since the beginning of the 12th calendar month before that flight, passed a written or oral test, given by the Administrator or an authorized check pilot, on his knowledge of the method of determining compliance with weight and balance limitations for takeoff, landing, and enroute operations, with respect to the subject aircraft.

6. Fleet Aviation also acknowledges that for each of the flights, Mr. Cohen had not, since the beginning of the 12th calendar month before that flight, passed a competency check given by the Administrator or an authorized check pilot in the class of aircraft operated, to determine his competence in practical skills and techniques in that aircraft or class of aircraft.

7. The parties agree that this Stipulation and Order sets forth the entire agreement between the parties relating to the subject matter addressed by this Stipulation and Order, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included in this Stipulation and Order shall be of any force or effect.

8. Fleet Aviation acknowledges and represents that in executing this Stipulation and Order it is not relying, and has not relied, upon any representations or statements other than those contained in this Stipulation and Order, by the United States or its agents, officers, representatives, or attorneys with regard to the subject matter, basis, or effect of this Stipulation and Order.

9. This Stipulation and Order shall be binding upon and inure to the benefit of the

G. S. Winton
parties and their respective legal representatives, successors, and assigns.

10. This Stipulation and Order may be signed in counterparts.

Dated: New York, New York
August 31, 2012

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Dated: Rockville, Maryland
August 20, 2012

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SO ORDERED:

Vincent L. Briccetti
THE HONORABLE Vincent L. Briccetti
UNITED STATES DISTRICT JUDGE

September 7, 2012
White Plains, NY